County Of San Diego

Agenda Item

Board Of Supervisors

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First District

Joel Anderson
Second District

Terra Lawson-Remer
Third District

Monica Montgomery Steppe
Fourth District

Jim Desmond
Fifth District

Date: **September 15, 2026** **01**

To: Board of Supervisors

Sheriff - Revenue Agreement with the California Department of State Hospitals for Security for Early Access and Stabilization Services (Districts: All)

Overview
The California Department of State Hospitals (DSH) is responsible for restoring competency to individuals with serious mental illness who are found mentally incompetent to stand trial (IST) on felony charges, pursuant to California Penal Code section 1370. IST defendants cannot be tried or sentenced while mentally incompetent and are instead committed to a State hospital for care and treatment to restore competency to stand trial. There is a high demand for State hospital beds for substantive services to restore competency, which has created delays in admission to a State hospital for IST treatment.

On November 15, 2016 (2), the County of San Diego (County) Board of Supervisors (Board) approved a Jail-Based Competency Treatment (JBCT) Program to address delays in administering treatment. JBCT programs allow for competency to be restored while an IST defendant is in County jail. DSH and the County officially launched a 30-bed JBCT program at the San Diego Central Jail and began treatment of IST patients in February 2017. To address the continued IST treatment delays and to meet required treatment timelines, DSH implemented a supplemental program called Early Access and Stabilization Services (EASS) and contracted with Liberty Health Services, Inc. (Liberty), to provide EASS program services at County jails. On September 12, 2023 (3), the San Diego County Sheriff ‘s Office (Sheriff’s Office) was granted approval to provide security services for Liberty staff while they perform IST services on-site at County jails from October 1, 2023 to September 30, 2026.

Today’s request seeks approval of a revenue agreement with Liberty for the Sheriff’s Office to provide continued security services for nine months from October 1, 2026 to June 30, 2027. A waiver of Board Policy B-29, *Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery*, is also requested, as today's action was not docketed at least 60 days prior to the effective date of the contract.

Recommendation by Sheriff:
1) Approve and authorize the Clerk of the Board to accept and execute upon receipt a nine-month revenue contract between the County of San Diego and Liberty Health Services, Inc. for security

services while on-site incompetent to stand trial services are being performed at County jails for the period of October 1, 2026 to June 30, 2027

2) Authorize the Sheriff to execute all required contract documents, including any extensions, amendments, or revisions thereof that do not materially impact either the program or funding level

3) Waive Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, which requires docketing Revenue Contracts with the Board of Supervisors at least 60 days prior to the effective date of the contract

Equity Impact Statement
The California Department of State Hospitals (DSH) and San Diego County Sheriff's Office (Sheriff's Office) recognize the systemic impact the statewide waitlist for incompetent to stand trial (IST) treatment services has had on incarcerated persons with serious mental illnesses who are awaiting trial. Strengthening coordination between DSH, Liberty Health Services, and the Sheriff's Office promotes more consistent access to care and reduces inequities tied to long waitlists, lack of prior treatment, and repeated justice-system involvement. The proposed agreement supporting Early Access and Stabilization Services for individuals found incompetent to stand trial advances equity for populations who have historically faced substantial barriers to mental health care, housing stability, and fair access to restorative treatment. Many felony IST defendants are unhoused, disconnected from Medi-Cal reimbursable services, and cycle frequently through the criminal justice system due to untreated mental illness, particularly Schizophrenia Spectrum Disorders. By providing early stabilization services, timely access to psychotropic medications, increased clinical engagement, and competency education while individuals await State placement, the County helps mitigate the long delays that have disproportionately harmed vulnerable populations.

Sustainability Impact Statement
The proposed action to expedite access to restoration and forensic services for incarcerated persons contributes to the County of San Diego's Sustainability Goal to provide just and equitable access, as well as protecting the health and well-being of those in our custody. Early Access and Stabilization Services (EASS) lessens the time that incarcerated persons need to be housed in a Jail-Based Competency Treatment Program or in a California State hospital. Approving security services for the EASS program supports delivery of these critical interventions and contributes to a more equitable, humane, and responsive competency-restoration system for individuals who have historically been underserved.

Fiscal Impact
Funds for this request are partially included in the Fiscal Year 2026-27 Operational Plan for the Sheriff's Office. If approved, this request will result in unanticipated revenue of approximately $304,728, in addition to $333,000 in revenue that was included in the Operational Plan, for a total of $637,728 for the nine-month agreement. The funding source is a revenue agreement with Liberty Health Services, Inc. The revenue agreement will provide full cost recovery to fund 2.5 Sheriff's Deputies. There will be no change in net General Fund cost and no increase in staff years.

Business Impact Statement

Sheriff - Revenue Agreement with the California Department of State Hospitals for Security to Support Early Access and Stabilization Services (Districts: All)

N/A

Advisory Board Statement
N/A

Background
Pursuant to California Penal Code section 1370, when defendants on felony charges cannot understand the criminal proceedings against them or assist counsel in their defense because of a mental illness, they are found to be incompetent to stand trial (IST), and the trial or judgment is suspended. Courts determine whether an individual is IST and order them to the Department of State Hospitals (DSH) for substantive services to restore competency so they may continue judicial proceedings. In August 2022, DSH estimated a majority of these individuals are unhoused at the time of their arrest and have not accessed any Medi-Cal reimbursable mental health services in the six months prior to their arrest. Moreover, nearly half of IST incarcerated persons are cycling in and out of the criminal justice system. For example, DSH hypothesizes that individuals with Schizophrenia Spectrum Disorders are drifting into an untreated, unsheltered condition, which leads to increased contact with police and criminal charges. This increases IST referrals to State hospitals from the courts. The introduction of Early Access and Stabilization Services (EASS) has assisted with DSH's ability to meet the needs of individuals found to be IST.

DSH proactively attempts to remediate delays in Statewide IST treatment services via their Jail-Based Competency Treatment Program (JBCT). On November 15, 2016 (2), the Board of Supervisors (Board) approved the JBCT program at San Diego Central Jail (SDCJ). The program has two components: a treatment program and an agreement between DSH and the County of San Diego (County) for partial reimbursement of the program cost on a fixed per diem basis. On March 11, 2025 (1), a new two-year revenue agreement with DSH was approved for the period of January 1, 2025 to December 31, 2026. The average time awaiting transfer to a State hospital or JBCT program is about 19.5 days. The JBCT program is a designated unit for restorative services at SDCJ, and EASS is an early access program to initiate IST treatment prior to admission to the JBCT unit or a DSH facility.

Even though wait times for IST treatment services have decreased, the IST crisis continues to exist statewide. The State of California is still experiencing significant challenges in the timely restoration of competency for individuals whom the courts have determined to be incompetent. In response, DSH continues to provide the EASS program to help address ongoing delays in IST treatment and support timely access to needed services.

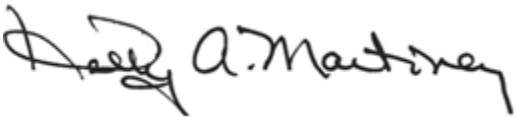
DSH is partnering with Liberty Health Services, Inc. for the County, to provide early access to enhanced treatment services while the IST individual is in jail, awaiting placement into a State hospital or JBCT program. These services include psychotropic medications, increased clinical engagement, and competency education for felony IST defendants. On September 12, 2023 (3), the Board approved the Sheriff's Office to provide security services for Liberty staff while they perform IST services on-site at County jails from October 1, 2023 to September 30, 2026.

Today's request seeks approval of a revenue agreement with Liberty for the Sheriff's Office to provide security services for nine months from October 1, 2026 to June 30, 2027. The revenue

agreement is full cost recovery, for 2.5 Sheriff Deputies. A waiver of Board Policy B-29 is also requested, as today's action is not at least 60 days prior to the effective date of the contract. Negotiations between the Sheriff and Liberty were not concluded in time to meet the 60-day requirement.

Linkage To The County Of San Diego Strategic Plan
Today's proposed actions support the County of San Diego's 2026-2031 Strategic Plan Initiatives of Equity and Justice. In terms of Equity, specific to health, this action shall reduce disparity and disproportionality of healthcare among the incompetent to stand trial population by providing more timely access to these services, as some incarcerated persons wait longer than others for treatment by the State. This action will promote a faster return to the adjudicative system for those incarcerated persons with serious mental illnesses requiring competency treatment services, which furthers the Justice Initiative of reducing disparities and disproportionality across the justice system.

Respectfully submitted,



Kelly A. Martinez
Sheriff

Attachment(s)
N/A